

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

1:05-cr-00316-10,17-BBM-ECS

1:07-cr-0312-1,2-BBM-ECS

**USA v. Leon Lumsden and Daryl Smith
Honorable Beverly B. Martin**

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Minute Sheet for proceedings held In Open Court on 07/28/2008.

TIME COURT COMMENCED: 2:15 P.M.
TIME COURT CONCLUDED: 6:15 P.M.
TIME IN COURT: 4:00

COURT REPORTER: Lori Burgess
DEPUTY CLERK: Pamela Wright

DEFENDANT(S): [10]Leon Kelly Lumsden Present at proceedings
[17]Daryl Maurice Smith Present at proceedings

ATTORNEY(S) PRESENT: Gale McKenzie representing USA
David MacKusick representing Leon Lumsden
Rickey Richardson representing Daryl Smith (2005 case)
Patric Powell representing Daryl Smith (2007 case)
** USPO Dana Johnson also present

PROCEEDING CATEGORY: Sentencing Hearing(Sentencing Hearing-Contested);

MINUTE TEXT: Sentencing hearing held. Gregory Wings sworn and testified. Government's exhibits 1-9 admitted. Leon Lumsden's exhibits 12, 13, 6 and 5 admitted. Michael Winfield sworn and testified. Government's exhibit 10 admitted. Leon Lumsden exhibit 1 admitted. Sentence imposed as follows:

Leon Lumsden: 60 months imprisonment on Count 1, 135 months on Count 9 in 2005 case (concurrent); 120 months in 2007 case (119 months concurrent, 1 month consecutive to 2005 case); restitution as set forth in presentence report; removal proceedings upon release from imprisonment; 4 years (total) supervised release with standard and special conditions of supervision.

Daryl Smith: 60 months imprisonment on Count 1, 121 months on Count 14 in 2005 case; 120 months in 2007 case (119 months concurrent, 1 month consecutive to 2005

case); restitution as set forth in presentence report; 4 years (total) supervised release with standard and special conditions of supervision. Defendants were advised of appeal rights by the court.

HEARING STATUS:

Hearing Concluded

EXHIBIT STATUS:

Exhibits retained by the Court to be forwarded to the Clerks Office.